

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DIANE RICE**, on March 27, 2003 at 3:30 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Verdell Jackson, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Carol Lambert (R)
Rep. Bruce Malcolm (R)
Rep. Jim Peterson (R)
Rep. Brennan Ryan (D)
Rep. Veronica Small-Eastman (D)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Bill Thomas (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Bob Bergren (D)

Members Absent: None.

Staff Present: Lisa Gallagher, Committee Secretary
Krista Lee Evans, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

Committee Business Summary:

Hearing & Date Posted: none
Executive Action: SB 244; HB 379; HB 759

EXECUTIVE ACTION ON SB 244

{Tape: 1; Side: A; Approx. Time Counter: 0 - 7}

Motion: REP. ANDERSEN moved that SB 244 BE CONCURRED IN.

Discussion:

Krista Lee Evans explained to the Committee what will happen to this bill if a similar bill in the Senate passes.

REP. ANDERSEN told the Committee that this bill only applies to those that will be using the reservoirs during the day and not for those that will be camping.

REP. SMITH said that the Committee should pass this bill.

REP. WAITSCHIES said that he did not know what way he would vote on this bill yet, because he does not see why only certain people get special access because everyone is paying for it.

REP. ANDERSEN said that at Cooney Reservoir the Rock Creek water users have done a lot of up keep.

Vote: Motion that SB 244 BE CONCURRED IN carried 9-7 with REPS. BERGREN, BIXBY, LENHART, MALCOLM, SMALL-EASTMAN, SMITH, and WAITSCHIES voting no, by voice vote. (REP. BERGREN voted by proxy.)

{Tape: 1; Side: A; Approx. Time Counter: 7.3 - 10.8}

EXECUTIVE ACTION ON HB 759

Motion: REP. PETERSON moved to reconsider the vote on HB 759.

Discussion:

REP. PETERSON handed out a fiscal note to the Committee.

EXHIBIT (agh65a01)

REP. SMITH asked REP. PETERSON how Montana State University (MSU) will get test animals. **REP. PETERSON** said that they will still get the animals that die. He also said that he would like to amend HB 379 so that the tissue samples would go to MSU for testing. He would like to amend HB 379 so that the local counties could have the option to vote to reverse I-143. He said

that he would first like to dispose of HB 759 and then discuss HB 379.

Vote: Motion to reconsider the vote on HB 759 carried 15-0, by voice vote.

Motion/Vote: REP. PETERSON moved that HB 759 BE TABLED. Motion carried 15-0, by voice vote.

EXECUTIVE ACTION ON HB 379

Motion: REP. PETERSON moved that HB 379 DO PASS.

Discussion:

REP. BALLANTYNE said that they are running out of time and that he is not in favor of this motion.

REP. PETERSON gave the Committee a quick review of what has happened with HB 379.

Motion: REP. PETERSON moved that HB 379 BE AMENDED.

Discussion:

{Tape: 1; Side: A; Approx. Time Counter: 18.5 - 28.4}

Krista Lee Evans explained to the Committee the amendments.
EXHIBIT(agh65a02)

REP. LAMBERT asked Krista Lee Evans if it is correct that in counties that have game farms they would have to have an election, but yet the election is still optional. Krista Lee Evans said that she fixed that and now they are requiring counties to have an election if they have a game farm.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.1}

REP. JACKSON asked Krista Lee Evans if the counties have to have an election if they do not have a game farm. **Krista Lee Evans** said they do not have to have an election.

REP. JACKSON asked Krista Lee Evans what is the cost of an election. **Krista Lee Evans** said that she did not know, but that this election would be held in conjunction with the school elections in order to reduce costs.

REP. ANDERSON asked Krista Lee Evans if the ballots would be judged by the same committee as the board of school elections. **Krista Lee Evans** said that she did not know. **REP. LAMBERT** said that with her past experience they would be judged by the same committee.

REP. WAITSCHIES asked **REP. PETERSON** if the statewide initiative would trump the local county elections. **REP. PETERSON** said that the game farm counties would have to have another election and it is true that if the backers of I-143 wanted to get another initiative they could. There is nothing to prevent that.

REP. WAITSCHIES said that if this passes the counties without game farms will get another initiative and it will pass because those counties have the population.

REP. PETERSON said that is a possibility, but this time around the voters will be informed, and the people will be educated.

{Tape: 1; Side: B; Approx. Time Counter: 6.2 - 6.8}

REP. LAMBERT said that her bill that would make it so when voting for initiatives a yes vote would be for and a no vote would be against has passed and was signed by the Governor, and this should be an extra protection.

REP. BALLANTYNE asked **REP. PETERSON** what happens if there is a game farm that is in three counties and two of the counties do not pass the local initiative. **REP. PETERSON** said that it would probably have to pass in all three counties.

REP. MALCOLM asked **REP. PETERSON** if a county passes the initiative are they limited to the old game farms. **REP. PETERSON** said that nothing in HB 379 provides for new game farms, and it will only affect if the game farm could fee hunt. Tim Feldner, Fish, Wildlife & Parks said that they are not issuing new licenses, and a transfer is for the same piece of property, so they could not move their game farms to another county. What is licensed is the property.

{Tape: 1; Side: B; Approx. Time Counter: 10.8 - 14}

REP. ANDERSON asked **REP. PETERSON** if one county passes could a person with a license purchase animals from someone else's farm that their county did not pass the initiative. **REP. PETERSON** said that nothing would prevent that if they met all the testing regulations.

REP. ANDERSON asked **REP. PETERSON** if there are game farms that do not have fee hunting. **REP. PETERSON** said, "Yes there are, and if they did not have fee hunting this bill does not allow for amending the license."

REP. JACKSON asked **REP. PETERSON** if this bill will help those that fee hunt by eventually going out of business and by helping the takings suits. **REP. PETERSON** said that there is nothing about going out of business. HB 379 will let the game farms stay in business. This bill does three things: 1)allows for local county elections; 2)gives money to MSU for chronic wasting disease research; and 3)mitigates the takings issue.

REP. BALLANTYNE asked **REP. PETERSON** if there was anything in the bill that would prevent a lawsuit. **REP. PETERSON** said that there is nothing in law that can prevent lawsuits, but this bill will go a long way to help mitigate future lawsuits.

REP. WAITSCHIES asked **REP. PETERSON** if the local county turns down the initiative who becomes responsible for the takings issue. **REP. PETERSON** said that he talked with Krista Lee Evans who talked with Greg Petesch and since the state is mandating the elections the state would be responsible. The counties would not be held liable.

REP. ANDERSON asked **REP. PETERSON** if the counties have adequate time to get information to the voters for an election at the beginning of May. **REP. PETERSON** said that he is fully aware of the time constraints. He also said that the ballot and the education process would begin immediately.

Vote: Motion that HB 379 BE AMENDED carried 12-4 with **REPS. BALLANTYNE, BIXBY, LENHART, and RYAN** voting no, by roll call vote. (REP. BERGREN voted by proxy.)

Motion: **REP. PETERSON** moved that HB 379 DO PASS AS AMENDED.

Discussion:

REP. BALLANTYNE said that this puts pressure on the counties and he still sees lawsuits being filed. Time is running out and he said that he cannot support this bill.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.3}

REP. LAMBERT said that the counties are anxious to help the game farms out so that they can get back to business. This is the best that we can do to help.

REP. STEINBEISSER said that he does not like this bill, but that they owe it to the game farmers to do something. He urged that the Committee do pass.

REP. JACKSON said that he supports this bill. The game farmers put restrictions on themselves before I-143. This is all a matter of philosophical differences in the raising of wild game. He said that the Committee should pass this bill.

Vote: Motion that HB 379 DO PASS AS AMENDED carried 12-4 with REPS. BALLANTYNE, BIXBY, LENHART, and RYAN voting no, by roll call vote. (REP. BERGREN voted by proxy.)

ADJOURNMENT

Adjournment: 4:30 P.M.

REP. DIANE RICE, Chairman

LISA GALLAGHER, Secretary

DR/LG

EXHIBIT (agh65aad)